

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : Criminal Action No. 06-27-GMS
v. :
ANDREW N. YAO :
Defendant. :



**DEFENDANT'S MOTION, ON CONSENT, TO EXTEND
THE DEADLINE BY WHICH TO FILE PRE-TRIAL MOTIONS**

TO THE HONORABLE GREGORY M. SLEET, DISTRICT COURT JUDGE:

AND NOW comes defendant Andrew N. Yao, by his attorney, Marc Agnifilo from the law office of Brafman & Associates, who respectfully requests this Court to enter an Order extending the time by which defendant shall file pre-trial motions in this matter. This request is based on the following:

1. On June 1, 2006, defendant was arraigned on the Indictment and entered a plea of not guilty to each count thereof;
2. On, or about, July 14, 2006, defendant retained the services of Benjamin Brafman, Esq. to represent him in this matter;
3. Between July 14, 2006 and the present, defendant's counsel has (a) had several conversations with, as well as a meeting with, the assigned AUSAs and the agents investigating this matter, and (b) reviewed the voluminous discovery provided by the Government. Additionally, defendant's counsel is in the process of securing materials from several civil matters that are related to the allegations in the Indictment;
4. During a recent conversation, AUSA Shannon Hanson consented to the extension of

time to file defense motions set forth herein;

5. Defendant waives his rights under the Speedy Trial Act of Title 18, United States Code, Section 3161 for the time period between September 21, 2006 and October 13, 2006.

WHEREFORE, defendant respectfully requests that the Court enter an Order extending the deadline for the filing of defendant's pre-trial motions from September 21, 2006 until October 13, 2006.

A handwritten signature in dark ink, appearing to read 'Marc Agnifilo', is written over a horizontal line.

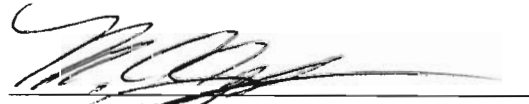
Marc Agnifilo, Esq.
Benjamin Brafman & Associates
767 Third Avenue
New York, New York 10017
(212) 750-7800

CERTIFICATE OF SERVICE BY MAIL

I, Marc Agnifilo, Esq., certify that I served true and correct copies of the within Motion upon the persons named below by first class mail, postage prepaid:

Honorable Gregory M. Sleet
United States District Court
J. Caleb Boggs Federal Building
844 King Street
Lockbox 19
Wilmington, Delaware 19801-3570

Shannon Hanson, Esq.
Assistant United States Attorney
District of Delaware
1007 Orange Street
Suite 700
P.O. Box 2046
Wilmington, Delaware 19899-2046



Marc Agnifilo, Esq.
Benjamin Brafman & Associates
767 Third Avenue
New York, New York 10017

Dated: September 14, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA : Crim. Action No.
 : 06-27-GMS
 against :
 ANDREW N. YAO :
 Defendant. :

ORDER

AND NOW, this _____ day of September, 2006,
upon consideration of Defendant's motion to extend the
deadline by which to file pre-trial motions, upon consent
of the Government,

IT IS HEREBY ORDERED, that defendant's counsel shall
file pre-trial motions on or before October 13, 2006;

IT IS FURTHER ORDERED, that, based on defendant's
consent, the time between September 21, 2006 and October
13, 2006 is waived for the purpose of calculation under the
Speedy Trial Act of Title 18, United States Code, Section
3161.

BY THE COURT

HON. GREGORY M. SLEET
U.S. District Court Judge